

(ANx), CLOSED, DISCOVERY, MANADR, RELATED-G

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Southern Division – Santa Ana)
CIVIL DOCKET FOR CASE #: 8:12-cv-00980-JST-AN**

Avinash B Kulkarni v. United States Department of State
USDOS
Assigned to: Judge Josephine Staton Tucker
Referred to: Magistrate Judge Arthur Nakazato
Related Case: 8:11-cv-01389-JST-AN
Cause: 05:552 Freedom of Information Act

Date Filed: 06/18/2012
Date Terminated: 11/26/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Avinash B Kulkarni**

represented by **Avinash B Kulkarni**
826 Applewilde Drive
San Marcos, CA 92078
858-344-0237
PRO SE

V.

Defendant

**United States Department of State
USDOS**

represented by **David E Pinchas**
AUSA – Office of US Attorney
Civil Division
300 North Los Angeles Street Suite 7516
Los Angeles, CA 90012
213-894-2920
Fax: 213-894-7819
Email: usacac.civil@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/18/2012	<u>1</u>	COMPLAINT against defendant United States Department of State USDOS. Case assigned to Judge Cormac J. Carney for all further proceedings. Discovery referred to Magistrate Judge Marc L Goldman.(Filing fee \$ 350 PAID), filed by plaintiff Avinash B Kulkarni.(dg) (Entered: 06/19/2012)
06/18/2012	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by plaintiff Avinash B Kulkarni, (dg) (Entered: 06/19/2012)
06/18/2012		60 DAY Summons Issued re Complaint – (Discovery), Complaint – (Discovery) <u>1</u> as to defendant United States Department of State USDOS. (dg) (Entered: 06/19/2012)
06/18/2012	<u>3</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed.(dg) (Entered: 06/19/2012)
06/19/2012	<u>4</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 08-05 –Related Case– filed. Related Case No: SACV11-01389 JST (ANx). Case transferred from Judge Cormac J. Carney and Magistrate Judge Marc L. Goldman to Judge Josephine Staton Tucker and Magistrate Judge Arthur Nakazato for all further proceedings. The case number will now reflect the initials of the transferee Judge SACV12-00980 JST (ANx). Signed by Judge Josephine Staton Tucker. (dro) (Entered: 06/21/2012)
06/21/2012	<u>6</u>	PROOF OF SERVICE Executed by Plaintiff Avinash B Kulkarni, upon Defendant United States Department of State USDOS; served on 6/19/2012, answer due 8/18/2012. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to (no name specified). Executed

		upon the Attorney Generals Office of the United States by delivering a copy to (name not specified). Executed upon the officer agency or corporation by delivering a copy to (name not specified). Service was executed in compliance with statute not specified. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. Original Summons NOT returned. (rla) (Entered: 06/25/2012)
06/22/2012	<u>5</u>	INITIAL STANDING ORDER for cases assigned to Judge Josephine Staton Tucker. (Guerrero, Terry) (Entered: 06/22/2012)
07/09/2012	<u>7</u>	ORIGINAL SUMMONS RETURNED filed by plaintiff Avinash B Kulkarni. (rla) (Entered: 07/11/2012)
07/09/2012	<u>8</u>	PROOF OF SERVICE Executed by Plaintiff Avinash B Kulkarni, upon Defendant United States Department of State USDOS served on 6/20/2012, answer due 8/19/2012. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to (name and title of person who accepted service is not indicated). Executed upon the Attorney Generals Office of the United States by delivering a copy to (name of person accepting service not indicated). Executed upon the officer agency or corporation by delivering a copy to (not specified). Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons NOT returned. (rla) (Entered: 07/11/2012)
08/09/2012	<u>9</u>	PROOF OF SERVICE BY MAIL filed by plaintiff Avinash B Kulkarni, re Order <u>5</u> served on 8/6/12. (twdb) (Entered: 08/10/2012)
08/15/2012	<u>10</u>	STIPULATION Extending Time to Answer the complaint as to United States Department of State USDOS answer now due 8/27/2012, re Complaint – (Discovery), Complaint – (Discovery) <u>1</u> filed by Defendant United States Department of State USDOS.(Pinchas, David) (Entered: 08/15/2012)
08/27/2012	<u>11</u>	NOTICE OF MOTION AND MOTION to Dismiss Case , <i>Memorandum of Points and Authorities; Declaration of David Pinchas</i> filed by Defendant United States Department of State USDOS. Motion set for hearing on 10/26/2012 at 02:30 PM before Judge Josephine Staton Tucker. (Attachments: # <u>1</u> Exhibit 1 (page 12), # <u>2</u> Exhibit 2 (pages 13 – 15), # <u>3</u> Proposed Order Granting Federal Defendant's Motion to Dismiss, # <u>4</u> Proof of Service)(Pinchas, David) (Entered: 08/27/2012)
08/29/2012	<u>12</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge Josephine Staton Tucker. Scheduling Conference set for 12/7/2012 01:30 PM before Judge Josephine Staton Tucker.) (bp) (Entered: 09/04/2012)
09/06/2012	<u>13</u>	NOTICE OF MOTION AND MOTION to Compel filed by plaintiff Avinash B Kulkarni. Motion set for hearing on 10/4/2012 at 10:00 AM before Magistrate Judge Arthur Nakazato. (Attachments: # <u>1</u> 2)(twdb) (Entered: 09/10/2012)
09/06/2012	<u>14</u>	PROOF OF SERVICE by mail filed by plaintiff Avinash B Kulkarni, re MOTION to Compel <u>13</u> and notice of motion and motion to continue hearing of defendant's motion to dismiss served on 9/5/12. (twdb) (Entered: 09/10/2012)
09/11/2012	<u>15</u>	MINUTES (IN CHAMBERS): ORDER by Magistrate Judge Arthur Nakazato: Denying discovery (discovery motion) and continue the hearing of Defendant's motion to dismiss (motion to continue) <u>13</u> : The discovery motion is denied without prejudice. The motion to continue is removed from the Magistrate Judge's calendar and Plaintiff is directed to renote it before Judge Tucker. (rla) (Entered: 09/12/2012)
09/12/2012	<u>16</u>	SUPPLEMENTAL FILING FOR PROOF OF SERVICE BY MAIL OF PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL DISCOVERY, AND NOTICE OF MOTION AND MOTION TO CONTINUE HEARING OF DEFENDANT'S MOTION TO DISMISS; filed by Plaintiff Avinash B Kulkarni. (rla) (Entered: 09/13/2012)
09/28/2012	<u>17</u>	NOTICE OF MOTION AND MOTION to Compel Discovery; To Continue Ruling on Defendant's Motion to Dismiss filed by plaintiff Avinash B Kulkarni. Motion set for hearing on 10/26/2012 at 02:30 PM before Judge Josephine Staton Tucker.

		Lodged proposed order. (twdb) (Entered: 09/28/2012)
09/28/2012	<u>18</u>	PROOF OF SERVICE filed by plaintiff Avinash B Kulkarni, re MOTION to Compel Discovery <u>17</u> served on 9/26/12. (twdb) (Entered: 09/28/2012)
10/01/2012	<u>19</u>	ERRATA AND CLARIFICATIONS in support of Amended MOTION to Compel and Continue Ruling on Defendants Motion to Dismiss <u>17</u> filed by Plaintiff Avinash B Kulkarni. (twdb) (Entered: 10/01/2012)
10/01/2012	<u>20</u>	PROOF OF SERVICE by mail filed by plaintiff Avinash B Kulkarni, re Supplement (non-motion), <u>16</u> , notice of motion to compel discovery; notice of motion to continue ruling on defendants motion to dismiss <u>18</u> served on 9/28/12. (twdb) (Entered: 10/01/2012)
10/01/2012	<u>21</u>	PROOF OF SERVICE by mail filed by plaintiff Avinash B Kulkarni, re Motion Related Document <u>19</u> served on 9/29/12. (twdb) (Entered: 10/01/2012)
10/05/2012	<u>22</u>	OPPOSITION TO PLAINTIFF'S AMENDED MOTION TO COMPEL DISCOVERY AND MOTION TO CONTINUE RULING ON DEFENDANT'S MOTION TO DISMISS Opposition re: MOTION to Compel <u>13</u> , MOTION to Compel Discovery <u>17</u> , MOTION to Dismiss Case , <i>Memorandum of Points and Authorities; Declaration of David Pinchas</i> <u>11</u> filed by Defendant United States Department of State USDOS. (Attachments: # <u>1</u> Proof of Service)(Pinchas, David) (Entered: 10/05/2012)
10/05/2012	<u>23</u>	RESPONSE to Defendant's MOTION to Dismiss <u>11</u> ; Memorandum of Points and Authorities filed by Plaintiff Avinash B Kulkarni. (mt) (Entered: 10/05/2012)
10/05/2012	<u>24</u>	PROOF OF SERVICE BY MAIL filed by plaintiff Avinash B Kulkarni, re Response to Defendant's Motion Dismiss; Memorandum of Points and Authorities <u>23</u> served on 10/4/2012. (mt) (Entered: 10/05/2012)
10/11/2012	<u>25</u>	REPLY in Support of MOTION to Dismiss Case , <i>Memorandum of Points and Authorities; Declaration of David Pinchas</i> <u>11</u> filed by Defendant United States Department of State USDOS. (Attachments: # <u>1</u> Proof of Service)(Pinchas, David) (Entered: 10/11/2012)
10/12/2012	<u>26</u>	REPLY to defendant's opposition to Plaintiff's Amended MOTION to Compel Discovery <u>17</u> filed by Plaintiff Avinash B Kulkarni. (twdb) (Entered: 10/12/2012)
10/12/2012	<u>27</u>	PROOF OF SERVICE by mail filed by plaintiff Avinash B Kulkarni, re Reply (Motion related) <u>26</u> served on 10/12/12. (twdb) (Entered: 10/12/2012)
10/18/2012	<u>28</u>	MINUTE ORDER IN CHAMBERS by Judge Josephine Staton Tucker: ORDER REQUIRING SUPPLEMENTAL BRIEFING RE STATE 05.Before the Court is a Motion to Dismiss pursuant to Rule 12(b)(1) and 12(b)(6) (Motion) filed by Defendant United States Department of State. (Doc. 11.) Both the Plaintiff in his Complaint and Defendant in its Motion briefly reference State-05, yet neither party describes what it is or how (or whether) it is related to this litigation.1 Accordingly, the parties are ORDERED to provide supplemental briefing limited to the (1) nature and (2) relevance or irrelevance of the document referred to as State-05 in Plaintiffs Complaint and Opposition and Defendants Motion. Each partys supplemental brief is limited to four (4) pages. The supplemental briefs must be filed by 5:00 p.m. on October 22, 2012. (twdb) (Entered: 10/18/2012)
10/22/2012	<u>29</u>	DEFENDANT'S SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO DISMISS re MOTION to Dismiss Case , <i>Memorandum of Points and Authorities; Declaration of David Pinchas</i> <u>11</u> filed by Defendant United States Department of State USDOS. (Attachments: # <u>1</u> Proof of Service)(Pinchas, David) (Entered: 10/22/2012)
10/22/2012	<u>31</u>	SUPPLEMENTAL BRIEF FOR STATE-05 filed by plaintiff Avinash B Kulkarni. (db) (Entered: 10/24/2012)
10/22/2012	<u>32</u>	PROOF OF SERVICE by Mail of Plaintiff's Supplemental Brief for State-05 filed by plaintiff Avinash B Kulkarni, (db) (Entered: 10/24/2012)

10/23/2012	<u>30</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Josephine Staton Tucker ORDERING Supplemental Brief; Proof of Service submitted by Plaintiff Avinash B Kulkarni received on 10/22/2012 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk. (dg) (Entered: 10/24/2012)
10/26/2012	<u>33</u>	MINUTES OF Hearing Re: Defendant's Motion to Dismiss, held before Judge Josephine Staton Tucker. Cause called. Hearing held. Counsel argue. Matter is submitted to the Court. Court Reporter: Deborah Parker. (dro) (Entered: 10/26/2012)
11/14/2012	<u>34</u>	TRANSCRIPT for proceedings held on 10/26/12, 2:30 p.m.. Court Reporter: Deborah D. Parker, phone number (714) 542-8409. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through pdeborah157@gmail.com or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 12/5/2012. Redacted Transcript Deadline set for 12/15/2012. Release of Transcript Restriction set for 2/12/2013. (Parker, Deborah) (Entered: 11/14/2012)
11/14/2012	35	NOTICE OF FILING TRANSCRIPT filed for proceedings 10/26/12, 2:30 p.m. re Transcript <u>34</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(Parker, Deborah) TEXT ONLY ENTRY (Entered: 11/14/2012)
11/14/2012	<u>36</u>	EX PARTE APPLICATION to Continue SCHEDULING CONFERENCE from 12/07/2012 to 1/18/2013 Re: Order, Set/Reset Deadlines/Hearings <u>12</u> , MOTION to Dismiss Case , <i>Memorandum of Points and Authorities; Declaration of David Pinchas</i> <u>11</u> filed by Defendant United States Department of State USDOS. (Attachments: # <u>1</u> Proposed Order Granting Federal Defendant's Ex Parte Application to Continue Scheduling Conference, # <u>2</u> Proof of Service)(Pinchas, David) (Entered: 11/14/2012)
11/16/2012	<u>37</u>	OPPOSITION in opposition to EX PARTE APPLICATION to Continue SCHEDULING CONFERENCE <u>12</u> filed by Plaintiff Avinash B Kulkarni. (twdb) (Entered: 11/16/2012)
11/16/2012	<u>38</u>	PROOF OF SERVICE BY MAIL filed by plaintiff Avinash B Kulkarni, re Objection/Opposition (Motion related) <u>37</u> served on 11/16/12. (twdb) (Entered: 11/16/2012)
11/19/2012	<u>39</u>	ORDER by Judge Josephine Staton Tucker: granting <u>36</u> Ex Parte Application to Continue. Scheduling Conference continued to 1/18/2013 01:30 PM before Judge Josephine Staton Tucker. (twdb) (Entered: 11/19/2012)
11/26/2012	<u>40</u>	MINUTES (IN CHAMBERS): ORDER by Judge Josephine Staton Tucker: granting <u>11</u> Motion to Dismiss Case; denying <u>17</u> Motion to Compel. (MD JS-6. Case Terminated) (twdb) (Entered: 11/28/2012)